

TO CREATE TWO JUDICIAL DISTRICTS IN THE STATE OF INDIANA,
THE ESTABLISHMENT OF JUDICIAL DIVISIONS THEREIN, AND
FOR OTHER PURPOSES

JANUARY 9, 1925.—Ordered to be printed

Mr. GRAHAM, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany H. R. 62]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 62) to create two judicial districts in the State of Indiana, the establishment of judicial divisions therein, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendments insert the following:

That the State of Indiana shall constitute one judicial district to be known as the district of Indiana. For the purpose of holding terms of court the district shall be divided into seven divisions constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne; the Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, Dekald, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Kosciusko, La Porte, Marshall, Miami, Pulaski, Saint Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke,

Putnam, Sullivan, Vermilion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Daviess, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick; the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington.

Sec. 2. That except as hereinafter in this section provided terms of the district court for the Indianapolis division shall be held at Indianapolis on the first Mondays of May and November of each year; for the Fort Wayne division, at Fort Wayne on the first Mondays of June and December of each year; for the South Bend division, at South Bend on the Second Mondays of June and December of each year; for the Hammond division, at Hammond on the first Mondays of January and July of each year; for the Terre Haute division, at Terre Haute on the first Mondays of April and October of each year; for the Evansville division, at Evansville on the second Mondays of April and October of each year; for the New Albany division, at New Albany on the third Mondays of April and October of each year. When the time fixed as above for the sitting of the court shall fall on a Sunday or a legal holiday, the term shall begin upon the next following day not a Sunday or a legal holiday. Terms of the district court shall not be limited to any particular number of days, nor shall it be necessary for any term to adjourn by reason of the intervention of a term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded.

Sec. 3. That the President of the United States be, and is hereby, authorized and directed by and with the advice and consent of the Senate to appoint an additional district judge for the district of Indiana, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

Sec. 4. That the clerk of the court for the district shall maintain an office in charge of himself or a deputy at Indianapolis, Fort Wayne, South Bend, Hammond, Terre Haute, Evansville, and New Albany. Such offices shall be kept open at all times for the transaction of the business of the court. Each deputy clerk shall keep in his office full records of all actions and proceedings of the district court held at the place in which the office is located.

Sec. 5. A judge of the District Court for the District of Indiana may, in his discretion, cause jurors to be summoned for a petit jury in criminal cases, from the division in which the cause is to be tried or from an adjoining division, and cause jurors for a grand jury to be summoned from such parts of the district as he shall from time to time direct. A grand jury summoned to attend a term of such court may investigate, and find an indictment or make a presentment for, any crime or offense committed in the district, whether or not the crime or offense was committed in the division in which the jury is in session.

Sec. 6. That either party in a civil or criminal proceeding in said district may apply to the court in term or to a judge thereof in vacation for a change of venue from the division where a suit or proceeding has been instituted to an adjoining division and the court in its discretion, or the judge in his discretion, may grant such a change.

Amend the title so as to read: "An act to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes."

And the Senate agree to the same.

GEO. S. GRAHAM,
ANDREW J. HICKEY,
HATTON W. SUMNERS,
Managers on the part of the House.

SAMUEL M. SHORTRIDGE,
R. P. ERNST,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 62) to create two judicial districts within the State of Indiana, the establishment of judicial divisions therein, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The conferees have written a new bill embodying the substance of the original House bill and of the Senate amendment.

The bill as submitted by the conferees retains the provision of the Senate bill creating but one district instead of two and providing in the discretion of the court, for the selection of petit and grand jurors from any part of the district, and also authorizing a grand jury summoned to attend a term of court in one division to find an indictment or make a presentment for a crime or offense committed in any part of the district.

Sections with respect to the appointment of deputy clerks and assistants, marshals, and assistant district attorneys and the fees of these officers, as provided in the House bill, have been omitted, as the same are fixed by statute under the general law.

Sections 5, 6, and 7 of the Senate amendment with respect to the transfer and removal of causes, both civil and criminal, have been omitted since they are now provided for by general law. (See secs. 53, 58, and 59 of the Judicial Code.)

Section 12 of the House bill and section 8 of the Senate amendment (identical sections) were omitted.

Section 9 of the Senate amendment has been amended to provide for a change of venue in vacation.

The title has been amended to conform to the text as agreed upon by the Senate amendment and in conference.

GEO. S. GRAHAM,
ANDREW J. HICKEY,
HATTON W. SUMNERS,

Managers on the part of the House.